

## **DEFICIENCY PROGRESS REPORT – UPDATE 2**

9/30/09

**CUPA:** El Dorado County Environmental Management Department

**Evaluation Date(s):** January 7 and 8, 2009

**Evaluator(s):** Jennifer Lorenzo (now Ernie Genter), Cal/EPA  
Mark Pear, DTSC  
Fred Mehr, Cal EMA  
Sean Farrow, SWRCB

**Update 1 Submittal Date:** June 30, 2009

**Deficiencies corrected with Update 1:** #6, 7, 8, 9 and 10.

**Status:** Deficiencies 1, 2, 3, 4, and 5 remain outstanding.

**Update 2 Submittal Date:** September 30, 2009

**Deficiencies corrected with Update 2:** #1, 2 and 3

**Status:** Deficiencies 4 and 5 remain outstanding.

**Next Progress Report (Update 2) Due:** January 25, 2009

**Deficiency 1:** The CUPA's Self-Audit reports did not contain some required elements. The CUPA is missing information on its enforcement and permitting activities.

**Corrective Action:** The CUPA's Self-Audit reports did not contain some required elements. For example, the CUPA is missing information on its enforcement and permitting activities.

**CUPA Update 1:** Information on our enforcement and permitting activities will be included in the Fiscal Year 07/08 Self-Audit report. The Self-Audit report will be submitted by 9/30/09.

**Cal/EPA Response to Update 1:** *The CUPA is on track for resolving this deficiency; please provide a copy of your Self-Audit report with your next progress update for determination of compliance regarding this deficiency.*

**CUPA Update 2:** See attached Self Audit Report

**Comments to Update 2:** *Cal/EPA appreciates the CUPA's efforts and considers this deficiency corrected.*

**Deficiency 2:** The CUPA is not fully tracking and accurately reporting inspections information on the Annual Inspection Summary Report 3.

**Corrective Action:** Re-inspections or follow-up inspections should be included under "other inspections" (column 5) on the Annual Inspection Summary Report. By September 30, 2009, the CUPA will verify that the inspections data on the Annual Inspection Summary Report 3 will be complete and as accurate as possible.

**CUPA Update 1:** This deficiency was discussed with EMD Hazmat Division Staff assigned to preparing the Annual Inspection Summary Report during staff meetings on February 19 and March 27, 2009, (see attached Deficiency 2 – Agendas). Proper inclusion of re-inspections and follow-up inspections will be added to “other inspections” (column 5) on the 07/08 Annual Summary Report to be submitted by September 30, 2009.

**Cal/EPA Response to Update 1:** *Cal/EPA accepts the progress the CUPA has made in resolving this deficiency and looks forward to reviewing the annual summary reports on the next progress update to determine final compliance regarding this deficiency.*

**CUPA Update 2:** We have worked to more accurately record data and prepare the Annual Inspection Summary Report. Please see attached.

**Comments to Update 2:** *Cal/EPA appreciates the CUPA’s efforts and considers this deficiency corrected.*

**Deficiency 3:** The CUPA is not fully tracking or accurately reporting enforcement actions taken and the total fines or penalties assessed on the Annual Enforcement Summary Report 4 for the last three fiscal years.

**Corrective Action:** By September 30, 2009, the CUPA will verify that all information on the Annual Enforcement Summary Report 4 is complete and as accurate as possible.

**CUPA Update 1:** Corrective actions taken to date include the addition of release prevention and release detection violation degree categories into our Envision database tracking system. Our agency is awaiting the upgrade of our Envisions software to Envisions Connect, with the hopes that enforcement action tracking will be simplified to allow tracking of office hearings, referrals and monetary penalties. Interim corrective actions will include the set up and use of a separate spreadsheet or Access database tracking system.

**Cal/EPA Response to Update 1:** *Cal/EPA accepts the progress the CUPA has made in resolving this deficiency and looks forward to reviewing the annual summary reports on the next progress update to determine final compliance regarding this deficiency.*

**CUPA Update 2:** We have worked to more accurately record data and prepare the Annual Inspection Summary Report. Please see attached

**Comments to Update 2:** *Cal/EPA appreciates the CUPA’s efforts and considers this deficiency corrected.*

**Deficiency 4:** The CUPA has not inspected some of its regulated businesses that are subject to the hazardous materials release and inventory reporting requirements (business plan) at least once every three years.

**Corrective Action:** On an annual basis, the CUPA shall inspect all facilities at least once every three years. Commencing April 30, 2009, the CUPA will track and submit their progress toward correcting this deficiency, including the number of facilities inspected via the quarterly deficiency progress reports.

**CUPA Update 1:** Following the program evaluation in January, Hazmat Division field staff were directed to spend a higher percentage of work hours conducting CUPA facility inspections. As a result the number of facilities inspected during the last three years has increased from 535 out of 714 or 75% on 12/31/08 to 628 out of 715 or 88% on 6/30/09.

Of the remaining 87 facilities not yet inspected, over 70 are Aboveground Storage Tank facilities. We had been postponing most of those inspections, waiting for the State to fulfill their obligation to utilize funds collected from operators and present AST training. Our inspection staff completed the AST training on 6/25/09. Now they are beginning to conduct inspections of those

**Cal EMA's Response:** *Cal EMA is satisfied with the CUPA's efforts in correcting the deficiency. Cal EMA looks forward to following the CUPA's continued efforts to correct this deficiency*

**CUPA Update 2:** During the last quarter staff conducted many additional facility inspections bringing our completion percentage up to 96% (707 out of 736). Of the remaining 29 facilities not yet inspected, most are Aboveground Storage Tank facilities that will be inspected within the next few months.

**Comments to Update 2:** *Cal EMA is satisfied with the CUPA's efforts in correcting the deficiency. Cal EMA looks forward to following the CUPA's continued efforts and inspection of the final 29 facilities to correct this deficiency.*

**Deficiency 5:** The CUPA is not forwarding business plan information to fire agencies within 15 days of receipt and confirmation.

**Corrective Action:** The CUPA will forward data collected to other local agencies within 15 days of receipt. The CUPA will develop and submit a plan of correction with the first progress report due June 30, 2009.

**CUPA Update 1:** Department staff drafted and sent an email on 3/23/09 to all 14 Fire Chiefs (See Deficiency 6 Attachment). Four District Fire Chiefs (Pioneer, Lake Valley, Rescue and El Dorado Hills) have since responded by email indicating they are willing to continue to accept the information on a quarterly basis. One responded in person (El Dorado County). The rest have not yet responded. During the next quarter those chiefs will be contacted directly.

**Cal EMA's Response:** *Cal EMA is satisfied with the CUPA's efforts in correcting the deficiency. Cal EMA looks forward to following the CUPA's continued efforts to correct this deficiency.*

**CUPA Update 2:** Of the nine remaining Fire Districts, four additional district Chiefs (John Pang-Meeks Bay, Bill Dekker-Garden Valley, Mike Webb-Cameron Park and Bill Davis-Mosquito) have agreed to the quarterly schedule. The other five (Diamond/ El Dorado, Georgetown, Cameron Park, Latrobe, Fallen Leaf and South Lake Tahoe) have yet to respond to our inquiry. None of the chiefs contacted to date have refused to accept the reports on a quarterly basis.

**Comments to Update 2:** *Cal EMA is satisfied with the CUPA's efforts in correcting the deficiency. Cal EMA looks forward to following the CUPA's continued efforts to correct this deficiency.*